



235

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30612-2024
Date of decision:-06.05.2025

ANSHUL GARG

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vinod Ghai, Sr Advocate with
Mr. Arnav Ghai, and Mr. Aayush Goyal, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under
Section 439 of the Criminal Procedure Code, for grant of regular bail in the
following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
451	11.11.2023	328, 302, 120-B, 201, 204, 420, 467, 468, 471 IPC, Section 72(A) of the Punjab Excise Act, 1914(Haryana Amendment Bill, 2020) and Section 42 of Prisoners Act	Bilaspur, District Yamuna Nagar

2. Arguments heard.
3. It is *inter alia* contended by learned senior counsel for the petitioner that the petitioner is innocent, having no concern whatsoever with the allegations levelled in the FIR but has been falsely implicated in the



case. He contends that the allegations against the petitioner are that he had supplied 'Extra Neutral Alcohol' to co-accused Ankit @ Mogli, which ultimately was used in the preparation of the spurious liquor. The Learned Senior counsel submits that in fact neither the petitioner had any 'Extra Neutral Alcohol' in stock nor had he ever sold it to the co-accused Ankit @ Mogli, as has been alleged, so no question of the petitioner being instrumental in the alleged preparation of spurious liquor, arise at all. He contends that even the factory of the petitioner for manufacture of the sanitizer was closed on 05.06.2020 and the concerned Excise Inspector had certified the stock to be 'NIL' on that day, so there is no occasion for the petitioner to have supplied the alleged 'Extra Neutral Alcohol' to the co-accused in 2023. He contends that even no such alcohol was ever recovered from the petitioner in the present case so as to connect with the alleged version. He contends that the petitioner was not named in the FIR nor any attribution is there against him but has been nominated on the alleged disclosure statement of the co-accused Ramandeep @ Deepu recorded in the FIR No. 410 dated 09.11.2023 Police Station Mulana, District Ambala. The petitioner was arrested in that case on 01.04.2024 and was granted concession of bail vide order dated 12.02.2024 (Annexure P-31) passed in CRM-M-883-2024. He contends that even the co-accused Ankit @ Mogli has not named him in the disclosure statement (Annexure P-23) made by him in the present case. He contends that after petitioner was granted concession of bail in FIR No. 410 vide order (Annexure P-31), he was subsequently nominated in the present case on the basis of the disclosure



statement of co-accused Ankit @ Mogli and Ramandeep @ Deepu recorded in FIR No. 410 (supra) with which the petitioner has no concern and the evidentiary value thereof, is debatable. He contends that the petitioner has been in custody since 01.04.2024 and after conclusion of investigation, challan has already been presented in Court, wherein the prosecution has cited 72 witnesses and till date none has been examined, he as such, prayed for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has contended that the co-accused Ankit @ Mogli and Ramandeep @ Deepu has categorically made disclosure statement (Annexure R-4 and R-5) respectively in FIR No.410 (supra) claiming to have purchased 'Extra Neutral Alcohol' from the petitioner, which ultimately was used in preparation of the spurious liquor and on the basis thereof, the petitioner has been nominated and arrested in the present case. He submits that petitioner is involved in heinous crime, as such, do not deserve concession of bail. Hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the complainant intimating the demise of his father on account of consuming liquor, wherein he is not named anybody, subsequently, during course of proceedings the police record the alleged disclosure statement of co-accused Ankit @ Mogli and Ramandeep @ Deepu (Annexure R-4 and R-5) respectively in FIR No. 410 (supra) and on the basis thereof, nominated as accused in the FIR (supra) wherein, consequent upon his arrest, he was granted concession of



bail vide order dated 12.02.2024 (Annexure P-31) passed in CRM-M-883-2024. After he being granted bail vide order dated 12.02.2024, the petitioner was nominated on 01.04.2024 as accused in the present FIR by the police still relying upon the disclosure statement of co-accused Ankit @ Mogli and Ramandeep @ Deepu (Annexure R-4 and R-5) recorded in FIR No.410 (supra). It is also worth mentioning that vide order dated 15.04.2024 Annexure P-32, the petitioner was granted concession of bail in FIR No. 327 dated 09.11.2023, PS Barara, District Ambala also registered on similar allegations, passed in CRM-M-16998-2024. In the present case the petitioner has been nominated on the basis of aforesaid disclosure statement (Annexure R-4 and R-5) which were recorded by the police in FIR No. 410 (supra).

Admittedly, there is no disclosure statement of any co-accused against the petitioner in the present FIR, the evidentiary value thereof, is debatable. It is also debatable that when the petitioner had seized to operate the sanitizer business on 05.06.2020 and the Excise Inspector had reported the stock 'NIL' then how come the co-accused procured the same from the petitioner in year 2023. The petitioner has been in custody since 01.04.2024 in the present case and after completion of investigation challan has already been presented in Court which is pending trial and consequent upon his arrest in the present case, no recovery of any contraband or 'Extra Neutral Alcohol' has been effected from the petitioner. The prosecution has cited 72 witnesses in the challan and till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will



take sufficient long time. Considering the aforesaid facts and circumstances and also the period of incarceration of the petitioner, no purpose would be served by detaining the petitioner any longer in custody. no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

06.05.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No